

**MINUTES OF THE
SENATE JUDICIAL CONFIRMATION COMMITTEE**
Tuesday, June 15, 2010 – 2:00 p.m. – Room 450 State Capitol

Members Present:

Sen. Scott K. Jenkins, Chair
Sen. Jon J. Greiner
Sen. Lyle W. Hillyard
Sen. Karen Mayne
President Michael G. Waddoups

Staff Present:

Ms. Esther D. Chelsea-McCarty, Associate General Counsel
Mr. Jerry D. Howe, Policy Analyst
Ms. Amanda K. Majers, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Jenkins called the meeting to order at 2:04 p.m. The Committee introduced themselves to the candidate and the audience. The candidate, Mr. Thomas R. Lee, introduced his family, friends, and colleagues to the Committee.

MOTION: Sen. Greiner moved to close the meeting for the purpose of discussing the character, professional competence, or physical or mental health of Mr. Thomas R. Lee. The motion passed unanimously.

Mr. Lee was placed under oath by Mr. Howe.

MOTION: Sen. Greiner moved to open the meeting. The motion passed unanimously.

2. Interview of Mr. Thomas R. Lee

Mr. Lee provided a personal and professional background and described his judicial philosophy to the Committee. Mr. Lee answered questions from the Committee concerning the following: financial compensation of a justice of the Utah Supreme Court, reasons for applying to become a justice, capital punishment and post-conviction remedies, the cost to litigants of participating in the judicial system, political activism through the judiciary, long-term professional goals, the judicial code of conduct relating to familial relationships, constitutional philosophy, professional publications, one's ability to sue or be sued by the government and the False Claims Act, the Tenth Amendment and its application to the state of Utah, judicial interpretation, inalienable rights in the Utah Constitution, Article I, Sec. 1, same sex marriage rights, water rights in the Utah Constitution, Article XVII, Sec. 1, and whether errant judicial behavior should be public or private.

President Waddoups inquired if there is anything in Mr. Lee's background that if it were publically known would be an embarrassment to the state. Mr. Lee replied that there is not.

Mr. Richard V. Maughan, neighbor of Mr. Lee, spoke to Mr. Lee's character and recommended Mr. Lee be confirmed to the position of justice on the Utah Supreme Court.

MOTION: Sen. Mayne moved to favorably recommend to the full Senate that Mr. Thomas R. Lee be confirmed as a justice on the Utah Supreme Court. The motion passed unanimously.

3. Other Items / Adjourn

Minutes of the Senate Judicial Confirmation Committee
June 15, 2010
Page 2

MOTION: Sen. Hillyard moved to adjourn. The motion passed unanimously.

Chair Jenkins adjourned the meeting at approximately 4:40 p.m.